

India-administered Kashmir: Current situation

On 5 and 6 August 2019, the Indian Parliament approved the withdrawal of Article 370 of the Constitution, which had guaranteed Jammu and Kashmir, India's only Muslim-majority state, a high degree of autonomy. It also decided to split Jammu and Kashmir into two territories, both administered directly from Delhi. Meanwhile, the government deployed 46 000 troops, arrested regional political leaders and thousands of activists, suspended internet and communications across the valley, and shut down schools and colleges.

Previous developments

Kashmir, a mountainous area in the north-west of the Indian subcontinent, situated between the three nuclear powers China, India and Pakistan, is at the heart of a 70-year dispute between Delhi and Islamabad. The India-administered part of Kashmir – the state of Jammu and Kashmir (J&K) – makes up almost two thirds of it. Following a political crisis, Delhi imposed [direct control](#) ([governor's rule at first, then President's rule](#)) in June 2018, with elections to the Assembly expected by the end of 2019. On February 2019, a suicide attack carried out by a Pakistan-based militant group killed 40 Indian soldiers in [Pulwama](#) district, J&K. The attack provoked a [stand-off](#) between Delhi and Islamabad. Among other retaliatory measures, the Indian army conducted an air strike on training camps in [Balakot](#), making its first raid on the Pakistani mainland since the 1971 war. India claimed that the strike had killed a large number of terrorists; [this has never been confirmed](#). The day after, the Pakistani Air Force conducted an airstrike on J&K. In the ensuing dogfight, they captured an [Indian pilot](#), whose fighter aircraft was shot down over the Pakistani-administered Kashmir territory, and released him a few days later. In July 2019, a [report on human rights](#) in Kashmir issued by the Office of the United Nations (UN) High Commissioner said that no steps had been taken by India or Pakistan to improve the human rights situation in Kashmir. India's foreign minister qualified this as the '[continuation of false narrative](#)' that ignores the core issue of cross-border terrorism.

A sudden move

On 24 July 2019, Minister of State for Home Affairs G. Kishan Reddy told the Rajya Sabha (upper chamber) that the [security situation](#) in J&K had improved in the first half of 2019. However, a few days later, the Indian authorities started to deploy [additional troops](#) to the state; the figure reached [46 000](#) in a few weeks, in addition to an already significant [security personnel](#) presence. While generating '[fear psychosis](#)' among the Kashmiri people, in August the government [suspended a major Hindu pilgrimage](#), ordered [tourists to leave](#) over terror threats, and cut off [telephone and internet](#) services. The government applied [Section 144](#) of the Code of Criminal Procedure, an urgent security measure barring any group of five or more from congregating in public, while not technically imposing a curfew. It [isolated](#) Omar Abdullah and Mehbooba Mufti, [two former chief ministers](#) (the highest state authority) belonging to the two main local political parties, placing them under house arrest, and detained [thousands](#) of political leaders and activists (the government has not provided figures). All [educational institutions](#) were shut down.

On 5 August 2019, despite prior [denials](#), home affairs minister Amit Shah (president of the leading Bharatiya Janta Party – BJP – and presumed future successor to prime minister Narendra Modi), tabled a presidential order to repeal Article 370 of the Indian Constitution – which granted J&K special status – and a Jammu and Kashmir Reorganisation Bill (see below). On 5 and 6 August the Indian [Parliament endorsed the changes](#). On 8 August, [Modi](#) addressed the nation and stated that Article 370 was a 'huge hurdle' to J&K's and Ladakh's development, responsible for 'secessionism, terrorism, nepotism and widespread corruption', and preventing the population from enjoying benefits of several social welfare laws and schemes. He assured residents that the situation would soon become normal. [International press](#) reports on a large protest in the Kashmiri town of Srinagar on 9 August were [dismissed](#) by the government as '[fabricated and incorrect](#)'.

For more information: see our July 2018 ['At a glance' note on Kashmir](#).

Changes in the status of Jammu and Kashmir

Article 370 of the [Indian constitution](#) guaranteed J&K a high degree of autonomy: it had its own [constitution](#) and a separate [flag](#). The Union needed the state's agreement to implement legislation, except on defence, foreign affairs and communications. A 1954 presidential order introduced [Article 35A](#) of the Constitution, allowing [permanent J&K residents only](#) to own and buy properties and transmit them to their children. It is widely understood that a woman married to a non-Kashmiri man would lose permanent residency and therefore such rights. However, the J&K Legislative Assembly [never adopted such a provision](#). The [5 August presidential order](#) revoked Article 370, cancelling J&K's autonomy and making Article 35A inoperative. The [Jammu and Kashmir Reorganisation Act](#) splits J&K into two territories, demoting them to entities run directly from Delhi through a governor: the Union Territory of Jammu and Kashmir (with legislature) and the Union Territory of Ladakh (without legislature). The government also split Ladakh, a large sparsely populated area composed of two districts, Kargil and Leh. According to the [2011 Religious Census](#), the majority of the population of Leh is Buddhist, whereas Muslims represent the largest religious group in Ladakh as a whole. The scrapping of Article 35A has prompted fears that the way is being paved to alter J&K's demographics. The changes are to enter into force on [31 October 2019](#). The legality of the withdrawal of Article 370 has been called into question, as the presidential order was adopted without the consent of the J&K Assembly. The Supreme Court has received [several petitions questioning](#) the legality of the presidential order and the restrictions on journalists' freedom of movement: there are also reports of [journalists being beaten](#) and [working under strict security force control](#).

Potential explanations for the timing of this move

Analysts point to both [domestic and international reasons](#). In its manifesto for the 2019 general elections, BJP promised to scrap Articles 370 and 35A and allow the return to Kashmir of [Kashmiri Pandits](#), a Hindu population that had to escape Kashmir early in the 1990s following persecution by radical Islamists at the time of the start of the [uprising](#) against Delhi's rule. Its May 2019 landslide electoral victory has emboldened the Indian government to make this move, exploiting the emotions aroused by the Pulwama attack. Also, as J&K legislative elections were expected before the end of 2019, it would have been hard to secure the agreement of its Assembly as required by Article 370. The government took advantage of the weakness of the opposition, especially [Indian National Congress](#). Externally, [talks between the Taliban and the US](#) may result in Washington withdrawing from Afghanistan. This could shift Islamist radicals' attention to Kashmir: India's national security adviser has warned that nearly 230 armed [militants from radical groups](#) are waiting to cross over into J&K. Also, US President [Donald Trump's offer](#) to mediate between India and Pakistan [may have prompted Delhi to act](#), in order to avoid the issue being treated as an international affair. India's neighbours' ongoing worries may have also played a role in its decision. [Pakistan](#) is in a precarious financial situation and has been focusing on its western flank (Afghanistan). The country is currently under examination by the Financial Action Task Force (FATF) and has been on its [grey list](#) since June 2018. [China](#) is currently facing tensions in Hong Kong and in Xinjiang.

International reactions

Pakistan has downgraded diplomatic relations with India and engaged in a [diplomatic offensive not yielding much support](#) within the international community. Pakistan would like J&K to be discussed at the [UN Human Rights Council](#). Meeting Islamabad's request, China supported a [meeting of the UN Security Council](#), the first on Kashmir since 1965, behind closed doors on 16 August 2019. Beijing has claims over Ladakh and termed its transformation into a separate Union Territory 'unacceptable'. [EU High Representative](#) Federica Mogherini spoke by phone with the foreign affairs ministers of India and Pakistan, underlining the importance of avoiding an escalation of tensions and supporting a bilateral political solution. She met in Brussels with Subrahmanyam Jaishankar, India's foreign minister, reaffirmed the EU's support for a peaceful solution to the crisis and stressed the importance of steps to [restore the rights and freedoms](#) of the population in Kashmir. The latter, according to the domestic and [international press](#), has endured the consequences of [troop crackdown episodes](#) and the hardship provoked by a [communication blackout](#), preventing families from joining relatives elsewhere and causing the reopening of schools to be a fiasco. A [shortage of drugs](#) and difficulty [accessing healthcare](#) are also reported: there are risks of a [humanitarian crisis](#), as well as the prospect of further [radicalisation of young Kashmiris](#).

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